

## **Remarks**

Claims 2-31 and 34-44 are pending in the present application. Claims 2-31 and 34-44 were rejected. Applicant's believe that no new matter has been added by the amendments to the claims.

### **Claim Rejection – 35 U.S.C. § 112**

Claims 35-44 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant's have amended claims 36, 38, 40, 42, and 44 to remove the reference to a base station. The communication with a wireless device now in the claims is supporter in the specification in paragraph [015], where "a combined wireless device and SATPS receiver 102, such as in a cellular telephone, may receive altitude information from the pseudollite 126. Further, "an alternative to a SATPS spread spectrum signal from one of the satellites 106, 108, 110, or 112, an Earth based pseudollite 126 may transmit a SATPS spread spectrum signal 128 to the SATPS receiver 102" and paragraph [022] where the "fixed value of "h" may be initially assigned to the average value of "h" in the neighborhood of the base station."

Therefore, claims 35-44 as now presented are in condition for allowance.

### **Claim Rejection – 35 U.S.C. § 112**

Claim 7 is rejected under 35 U.S.C. § 112, second paragraph paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. Applicants are traversing the rejection without amending the claim 7. Applicants do not simply recite a maximum in claim 7. Applicants' claim 7 requires "a maximum residual error in the polynomial surface fit over the grid points utilized to determine whether the error is below a predetermined threshold. A maximum residual error in the polynomial surface fit over the grid points is required, not simply some vague undefined maximum. Further in paragraph [027] and paragraph [089] describes the maximum residual error for the polynomial fit.

Therefore, claim 7 as presented in not indefinite and is in condition for allowance.

#### **Claim Rejection – 35 U.S.C. § 103**

Claims 2-9, and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ptasinski et al. (non-patent publication) in view of Hancock (U.S. Patent No. 6,202,023). The Examiner cites to P. Ptasinski et al (Hereafter Ptasinski) to describe "a horizontal error ellipse parameter (fig. 1, pages 452, 453) in the altitude equation that form an error ellipse having a major axis and a minor axis that correspond to the altitude error (figs. 1&2); a plurality of points along the major axis and the minor axis that form a grid of grid points (figs. 1 & 2; pages 452, 453)...."

But pages 452 and 453 of Ptasinski describe a "range measurement is effectively a distance from the center of the earth to the user antenna based on the assumption that the user altitude above the reference ellipsoid is constant...A simulation has been carried out to determine the inaccuracy of locating a pseudo-satellite at the center of the Earth (see Figure 2). Assuming that given sphere should be exactly over the provided area of the reference ellipsoid, we placed

the center of the sphere at the center of the ellipsoid....” No description or discussion of a grid of grid points was made or shown in figs. 1 & 2; pages 452, 453 of Ptasinski. No points along the major axis and minor axis that corresponds to the altitude error are described. What is described in fig. 2 of Ptasinski is a difference between spheres with one having a center at the center of the earth.

Therefore, the Ptasinski et al. reference fails to teach or describe “a horizontal error ellipse parameter in the altitude equation that forms an error ellipse having a major axis and a minor axis that corresponds to the altitude error” and “a plurality of points along the major axis and the minor axis that form a grid of grid points” as claimed by the Applicants. When the Ptasinski et al. reference is combined with the Hancock patent, the combination also fails to teach or describe the missing limitations and claims 2-9 and 34 are in condition for allowance. Similarly, dependent claims 35-44 are also in condition for allowance for the reasons stated above.

#### **Claim Rejections – 35 U.S.C. § 102**

Claims 10-31 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ptasinski et al. Applicant respectfully traverses this rejection for the reasons set forth below. The Examiner cites to figures 1 & 2 of the Ptasinski reference to show fitting a two-dimensional polynomial to the corresponding horizontal error ellipse. Applicants are not claiming fitting a two-dimensional polynomial to any ellipse; rather they are claiming fitting a two-dimensional polynomial to a horizontal error ellipse. The Ptasinski reference does not teach or describe a horizontal error ellipse.

Therefore, claims 10-31 are in condition for allowance because the Ptasinski reference fails to teach or describe all of the claim limitations of Applicants' claims.

### **Conclusion**

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Office Action.

Respectfully submitted,  
THE ECLIPSE GROUP LLP

By: 

Attorney for Assignee  
Gregory Gulliver, Reg. No. 44,138  
The Eclipse Group, LLP  
100 Tri-State Internacional, Suite 128  
Lincolnshire, IL 60069  
(847) 282-3551 Telephone  
(847) 574-8035 Fascimile

Customer No. 34408